

AMENDED IN SENATE MARCH 29, 2016

AMENDED IN SENATE MARCH 7, 2016

**SENATE BILL**

**No. 945**

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**Introduced by Senator Monning**

February 3, 2016

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An act to add Chapter 11 (commencing with Section 122380) to Part 6 of Division 105 of the Health and Safety Code, relating to pet boarding facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, Monning. Pet boarding facilities.

Existing law regulates the care and maintenance of animals in the care of a pet store.

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, ~~size of enclosures~~, sanitation, provision of enrichment devices, health of the pet, and safety. *The bill would also prohibit a person convicted of an offense related to the welfare of animals, as specified, from operating a pet boarding facility or from being employed as an employee of a pet boarding facility.* The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 11 (commencing with Section 122380) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

CHAPTER 11. PET BOARDING FACILITIES

122380. As used in this chapter, the following definitions apply:

(a) “Person” means an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, or other legal entity.

(b) “Pet” means any nonhuman animal housed in the pet boarding facility, including, but not limited to, mammals, birds, reptiles, amphibians, and fish.

(c) “Pet boarding facility” means any lot, building, structure, enclosure, or premises whereupon ~~two~~ four or more dogs, cats, or other pets in any combination are boarded for compensation. *However, “pet boarding facility” does not include a city, county, or city and county animal control agency, society for the prevention of cruelty to animals, or humane society that contracts for the care of stray or abandoned animals.*

(d) “Pet boarding facility operator” or “operator” means a person who owns or operates, or both, a pet boarding facility.

(e) “Primary enclosure” means a structure, including, but not limited to, an exercise run, kennel, or room, used to restrict a pet, that provides for the effective separation of a pet from the pet’s waste products, ~~such as by providing the pet with access to a separate indoor room or outside area. A primary enclosure shall enable the pet to turn about freely, stand easily, and sit or lie in a comfortable position.~~ products.

(f) (1) “Temporary enclosure” means a structure used to restrict a pet, including, but not limited to, a crate or ~~cage~~ cage, that does not provide for the effective separation of a pet from the pet’s waste products.

(2) A pet may be contained in a temporary enclosure for a period not to exceed ~~eight hours~~ four hours *during the day and 12 hours*

1 *at night* or the length of time that is humane for that particular pet,  
2 whichever is less. However, the pet shall remain outside the  
3 temporary enclosure for ~~no less than 15 minutes for each~~  
4 ~~consecutive hour spent in the enclosure. For example, if a pet~~  
5 ~~spends four consecutive hours in a temporary enclosure, the pet~~  
6 ~~shall remain outside the temporary enclosure for no less than 60~~  
7 ~~consecutive minutes.~~ *no less than the amount of time needed for*  
8 *the pet to eliminate its waste.*

9 (3) A temporary enclosure shall allow the pet to turn about  
10 freely, stand easily, and sit or lie in a comfortable position.

11 122381. Each pet boarding facility operator shall be responsible  
12 for all of the following:

13 (a) Ensuring that the entire pet boarding facility is structurally  
14 sound and maintained in good repair, including, but not limited  
15 to, heating and cooling systems, drying cages, flooring, and door  
16 latches and locks.

17 (b) Ensuring that pests do not inhabit any part of the pet boarding  
18 facility in a number large enough to be harmful, threatening, or  
19 annoying to the pets.

20 (c) Ensuring the containment of pets within the pet boarding  
21 facility, and, in the event that a pet escapes, being responsible for  
22 reporting this fact immediately to the local agency responsible for  
23 animal control and to the owner and making reasonable efforts to  
24 immediately capture the escaped pet.

25 (d) Ensuring that the pet boarding facility's interior building  
26 surfaces, including walls and floors, are constructed in a manner  
27 that permits them to be readily cleaned and sanitized.

28 (e) Ensuring that light, by natural or artificial means, is  
29 distributed in a manner that permits routine inspection and cleaning,  
30 and the proper care and maintenance of the pets.

31 (f) When pet grooming services are offered by a pet boarding  
32 facility, separating the grooming work area from the pet boarding  
33 facility's primary enclosures, pet food storage areas, and isolation  
34 areas for housing sick pets. The grooming area shall be cleaned  
35 and sanitized at least once daily.

36 122382. (a) Each primary and temporary enclosure shall  
37 comply with all of the following standards:

38 (1) Be structurally sound and maintained in good repair to  
39 protect the enclosed pet from injury, to contain the pet, to keep

1 other animals out, and to promote the health and well-being of the  
2 pet.

3 (2) Be maintained in a comfortable and sanitary manner. When  
4 being cleaned in a manner or with a substance that is or may be  
5 harmful to a pet within the enclosure, that pet shall be removed  
6 from the enclosure.

7 (3) Be constructed of ~~a nonporous~~ material suitable for regular  
8 cleaning and sanitizing.

9 (4) As needed to ensure the comfort and well-being of the pet,  
10 provide heating, cooling, lighting, ventilation, shade, and protection  
11 from the *elements, including but not limited to, the sun, wind, rain,*  
12 and snow.

13 (b) Each enclosure is either a primary enclosure or a temporary  
14 enclosure.

15 (c) In addition to the requirements set forth in subdivision (a),  
16 a primary enclosure for a cat shall provide an elevated platform  
17 appropriate for the size of the cat.

18 ~~(d) In addition to the requirements set forth in subdivision (a),~~  
19 ~~a primary enclosure for a dog shall meet both of the following~~  
20 ~~requirements:~~

21 ~~(1) Contain an indoor or outdoor area that is no less than three~~  
22 ~~feet wide for a dog weighing not more than 45 pounds and four~~  
23 ~~feet wide for a dog weighing more than 45 pounds and no less than~~  
24 ~~10 feet long no matter the size of the dog.~~

25 ~~(2) The area described in paragraph (1) shall also have an~~  
26 ~~adjacent indoor enclosure that has at least the following floor area:~~

27 ~~(A) For a dog weighing not more than 25 pounds, five square~~  
28 ~~feet.~~

29 ~~(B) For a dog weighing more than 25 pounds but not more than~~  
30 ~~45 pounds, nine square feet.~~

31 ~~(C) For a dog weighing over 45 pounds, 16 square feet.~~

32 122383. A pet boarding facility operator shall comply with all  
33 of the following animal care requirements:

34 (a) House only one pet at a time in an enclosure unless otherwise  
35 consented to ~~in writing~~ by the owner.

36 (b) Observe each pet as necessary, but no less than once every  
37 ~~eight~~ 24 hours, in order to recognize the signs of sickness, injury,  
38 or distress, and in order to ensure that the pet, food, and waste or  
39 debris is removed as necessary to prevent contamination or injury.

1 ~~(e) Remove each dog from its primary enclosure at least once~~  
2 ~~every 24 hours and enable the dog to remain outside the primary~~  
3 ~~enclosure for at least 15 minutes each time unless otherwise~~  
4 ~~directed in writing by the owner.~~

5 ~~(d)~~

6 (c) Provide each pet with easy and convenient access to potable  
7 water at all times, or if the behavior of the pet makes unrestricted  
8 access to water impracticable, offer water as often as necessary to  
9 ensure the pet's health and ~~well-being, but not less than every eight~~  
10 ~~hours for at least one hour each time.~~ *well-being*. However, water  
11 may be restricted as directed by the owner or a licensed  
12 veterinarian.

13 ~~(e)~~

14 (d) Provide each pet with food of the type, in the quantities, and  
15 at the intervals as directed in writing by the owner, or in the  
16 absence of written directions by the owner, with nutritious food  
17 in quantities and at intervals suitable for that pet.

18 ~~(f)~~

19 (e) Provide each pet with at least one enrichment device that is  
20 appropriate for the age, size, and condition of the pet unless  
21 otherwise directed in writing by the owner.

22 ~~(g)~~

23 (f) Maintain and abide by written policies and procedures that  
24 address animal care, management and safe handling, disease  
25 prevention and control, routine care, preventative care, emergency  
26 care, veterinary treatment, and disaster planning, evacuation, and  
27 recovery that are applicable to the location of the pet boarding  
28 facility. These procedures shall be reviewed with each employee  
29 who provides animal care and shall be present, in writing, either  
30 electronically or physically, in the facility and made available to  
31 all employees.

32 ~~(h)~~

33 (g) Isolate those pets that have or are suspected of having a  
34 contagious condition.

35 ~~(i)~~

36 (h) Ensure that each sick or injured pet is immediately provided  
37 with veterinary treatment and that the owner of the pet is notified  
38 immediately of the pet's condition.

39 ~~(j)~~

(i) In the event of a natural disaster, an emergency evacuation, or other similar occurrence, ensure that the humane care and treatment of each animal is provided for, as required by this chapter, to the extent access to the pet is reasonably available.

122384. A pet boarding facility operator shall provide, in writing, each owner with all of the following:

(a) Times, if any, when there will be no personnel on site.

(b) The square footage of any primary and temporary enclosures in which the pet will be contained.

(c) The number of times and at which intervals during each 24-hour period the pet will be observed by personnel.

(d) The pet's anticipated daily activity schedule, including the length of time the pet will spend in and out of primary and temporary enclosures, the time or times at which the pet will be fed, and the opportunities the pet will have to exercise and eliminate bodily waste.

122385. *A person convicted of an infraction, misdemeanor, or felony related to the welfare of animals, including, but not limited to, a violation of Section 597 of the Penal Code, is prohibited from operating a pet boarding facility or from being employed as an employee of a pet boarding facility.*

~~122385.~~

122386. A pet boarding facility operator who violates any provision of this chapter is guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) for the first violation and by a fine not to exceed one thousand dollars (\$1,000) for each subsequent violation. The court shall weigh the gravity of the offense in setting the penalty.

~~122386.~~

122387. (a) Nothing in this chapter shall be construed to in any way limit or affect the application or enforcement of any other law that protects animals or the rights of consumers, including, but not limited to, Section 597 of the Penal Code.

(b) Nothing in this chapter limits, or authorizes any act or omission that violates, Section 597 of the Penal Code, or any other local, state, or federal law that protects animals or the rights of consumers.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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